

DATE MAILED
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PSC REF#:173880

Public Service Commission of Wisconsin
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PUBLIC SERVICE COMMISSION OF WISCONSIN

Application of Oak Creek Water and Sewer Utility, Milwaukee County,
Wisconsin, for Authority to Increase Water Rates

4310-WR-104

ORDER

By Order dated September 25, 2012, the Commission reopened this docket to reconsider the Final Decision mailed July 23, 2012 (PSF REF#: 169775). At its open meeting of October 3, 2012, the Commission discussed this matter.

This Order makes a preliminary determination to modify certain aspects of the Final Decision. The parties have had a full and fair opportunity for a hearing on the matters addressed in the Final Decision, and the Commission's preliminary determination to modify certain aspects of its Final Decision is based upon the record developed in that hearing. The Commission's preliminary decision to modify its Final Decision will result in a rate increase for some customers and a rate decrease for others.

The Commission's preliminary determination modifies the Final Decision to narrow the differential rate of return between wholesale and retail customers from 180 to 100 basis points. Second, the Commission's preliminary determination modifies the Final Decision to allocate none of the 12-inch water mains to transmission. The Final Decision had allocated 50 percent of the 12-inch mains to transmission. The Commission finds no need for rehearing on these issues given the fully developed record upon which it bases its decision. However, if any party to this proceeding believes a further opportunity for hearing on these limited issues is necessary, the party may file a request for such a hearing no later than noon, October 10, 2012. Such a request shall identify the reason why further opportunity to be heard is required. Any further hearing

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shall be limited solely to the two issues that the Commission modified, as explained above, and shall present only new evidence. If no request for further hearing is received, the Commission will approve a Revised Final Decision that incorporates its preliminary determinations and may provide for a refund or credit resulting from the Commission's modifications of its Final Decision.

Unless and until the Commission issues a Revised Final Decision, the Final Decision shall remain in full force and effect.

This Order takes effect on the day after mailing.

Jurisdiction is retained.

Dated at Madison, Wisconsin, this 3rd day of October, 2012

By the Commission:

A handwritten signature in black ink, appearing to read 'S. Paske', followed by a small 'for'.

Sandra J. Paske
Secretary to the Commission

SJP: DL:00601309 4310-WR-104 Order and Decision.docx

See attached Notice of Rights

PUBLIC SERVICE COMMISSION OF WISCONSIN
610 North Whitney Way
P.O. Box 7854
Madison, Wisconsin 53707-7854

**NOTICE OF RIGHTS FOR REHEARING OR JUDICIAL REVIEW, THE
TIMES ALLOWED FOR EACH, AND THE IDENTIFICATION OF THE
PARTY TO BE NAMED AS RESPONDENT**

The following notice is served on you as part of the Commission's written decision. This general notice is for the purpose of ensuring compliance with Wis. Stat. § 227.48(2), and does not constitute a conclusion or admission that any particular party or person is necessarily aggrieved or that any particular decision or order is final or judicially reviewable.

PETITION FOR REHEARING

If this decision is an order following a contested case proceeding as defined in Wis. Stat. § 227.01(3), a person aggrieved by the decision has a right to petition the Commission for rehearing within 20 days of mailing of this decision, as provided in Wis. Stat. § 227.49. The mailing date is shown on the first page. If there is no date on the first page, the date of mailing is shown immediately above the signature line. The petition for rehearing must be filed with the Public Service Commission of Wisconsin and served on the parties. An appeal of this decision may also be taken directly to circuit court through the filing of a petition for judicial review. It is not necessary to first petition for rehearing.

PETITION FOR JUDICIAL REVIEW

A person aggrieved by this decision has a right to petition for judicial review as provided in Wis. Stat. § 227.53. In a contested case, the petition must be filed in circuit court and served upon the Public Service Commission of Wisconsin within 30 days of mailing of this decision if there has been no petition for rehearing. If a timely petition for rehearing has been filed, the petition for judicial review must be filed within 30 days of mailing of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition of the petition for rehearing by operation of law pursuant to Wis. Stat. § 227.49(5), whichever is sooner. If an *untimely* petition for rehearing is filed, the 30-day period to petition for judicial review commences the date the Commission mailed its original decision.¹ The Public Service Commission of Wisconsin must be named as respondent in the petition for judicial review.

If this decision is an order denying rehearing, a person aggrieved who wishes to appeal must seek judicial review rather than rehearing. A second petition for rehearing is not permitted.

Revised: December 17, 2008

¹ See *State v. Currier*, 2006 WI App 12, 288 Wis. 2d 693, 709 N.W.2d 520.